

REMARKS

With the above amendments, claims 1-8 and 11-16 remain in the application and stand rejected. Claims 9-10 have been canceled without prejudice.

Reconsideration of the rejection is respectfully requested in light of the following reasons.

Claim Rejections

Claims 1-5, 9, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,275,623 to Brophy et al. (“Brophy”). The rejection is respectfully traversed.

Claim 1 is patentable over Brophy at least for reciting: “the first optical output signal and the second optical output signal having a beam center-to-center separation of about 2.5mm and a beam diameter of about 1.6mm as measured at about 13.5% peak amplitude of the beam.” Claim 1 recites features that allow an apparatus for adjusting power levels of optical signals to efficiently employ a micro-optic polarization diversity module (Specification, page 17, lines 3-11). Brophy does not disclose or suggest such a polarization diversity module. Therefore, it is respectfully submitted that claim 1 is patentable over Brophy.

Claims 2-5 depend on claim 1, and are thus patentable over Brophy at least for the same reasons that claim 1 is patentable.

Claims 1 and 6-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0223748 by Stowe et al. (“Stowe”). The rejection is respectfully traversed.

Claim 1 is patentable over Stowe at least for reciting: “the first optical output signal and the second optical output signal having a beam center-to-center separation of about 2.5mm and a beam diameter of about 1.6mm as measured at about 13.5% peak amplitude of the beam.” As mentioned, claim 1 recites features that allow an apparatus for adjusting power levels of optical signals to efficiently employ a micro-optic

polarization diversity module (Specification, page 17, lines 3-11). Stowe does not disclose or suggest such a polarization diversity module. Therefore, it is respectfully submitted that claim 1 is patentable over Stowe.

Claims 6 and 8 depend on claim 1, and are thus patentable over Stowe at least for the same reasons that claim 1 is patentable.

Claims 11-14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brophy based on the rejection of claims 1-3, 9, and 10. The patentability of claims 1-3 over Brophy has already been explained above.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Stowe based on the rejection of claims 1 and 6-8. The patentability of claims 1 and 6-8 over Stowe has already been explained above.

### Conclusion

For at least the above reasons, it is believed that claims 1-8 and 11-16 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

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If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,  
Clinton B. Carlisle, et al.

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